IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24745 of 2004

Between:

L.Rajeswari, w/o Satyanarayana Raju,
R/o Door No.54-16-8/27, Gunadala, Vijayawada.

..... PETITIONER

AND

Vijayawada Municipal Corporation, rep., by its
Commissioner, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly a writ of mandamus, declaring the action of the respondent in demolishing as illegal and ultra vires to the provisions of Articles 14, 21 and 300-A of the Constitution of India but also the mandatory provisions of the Hyderabad Municipal Corporation Act and the Rules framed thereunder on the subject, besides directing not to meddle with the constructions made at the property bearing Door No.54-16-8/27, Gunadala of Vijayawada Municipal Corporation.

Counsel for the Petitioner: Mr.V.S.R.ANJANEYALU

Counsel for Respondent : Mr.T.S.VENKATARAMANA

The Court at the stage of admission made the following :

ORDER:

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The petitioner claims to be owner of an extent of 452.2 square yards of site bearing Door No. 54-16-8/27, Gunadala village, Vijayawada having purchased the same under a registered sale deed dated
16-12-1978. The petitioner stated to have obtained permission vide proceedings dated 11-02-1997 from the respondent municipality for construction of ground floor and thereafter vide proceedings dated
30-12-2003, the petitioner also stated to have obtained permission for construction of additional first and second floors and made constructions as per sanctioned plan. The petitioner alleges that on 18-12-2004, without issuing any notice and without following due procedure under law, the officials of the respondent municipality had demolished the parapet walls on western side constructions over and above the first floor and threatened that the they will demolish further constructions within one week. Questioning the said action, the present writ petition is filed.

Heard learned counsel for petitioner and learned Standing Counsel for respondent Mr.T.S.Venkataramana. Both counsel agreed for disposal of the writ petition with a direction to respondent municipality to follow due process of law, before resorting to demolition, if any.

If the petitioner has violated the sanctioned plan and made deviations, the respondent municipality is at liberty to proceed against the petitioner, in accordance with law. Hence, the respondent municipality is directed to issue notice to the petitioner and after considering the explanation, if any that may be submitted by him, pass appropriate orders in accordance with law. Till such time, status quo existing as on today shall be maintained. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1. The Commissioner, Vijayawada Municipal Corporation,
Vijayawada.

2. Two CD copies.